

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

RECEIVED  
CENTRAL FAX CENTER

## FACSIMILE COVER SHEET

MAR 14 2005

Deliver to: Brian T. Pendleton, USPTO Art Group: 2644  
Facsimile No.: 703-872-9306 Date: March 14, 2005

From: William W. Schaal, Reg. No. 39,018

Our Docket No.: 80398P103 Number of pages 6 including this sheet.

Application No.: 08/936,338 Filing Date: 9/24/1997

Docket Due Date(s): 3/14/2005

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment: <u>Response</u> ( <u>5</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief ( <u>    </u> pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: <u>                    </u>	<input type="checkbox"/> Petition for: <u>                    </u>
( <u>    </u> pgs) w/cover & abstract	<input type="checkbox"/> Request for Continued Examination (RCE)
<input type="checkbox"/> Assignment & Cover Sheet ( <u>    </u> pgs)	<input type="checkbox"/> Reply Brief ( <u>    </u> pgs)
<input checked="" type="checkbox"/> Certificate of <u>Facsimile</u>	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Declaration & POA ( <u>    </u> pgs)	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Drawings: <u>    </u> sheets, <u>    </u> figures	<input type="checkbox"/> Response to Written Opinion ( <u>    </u> pgs)
<input type="checkbox"/> Extension of Time: <u>                    </u>	<input type="checkbox"/> Terminal Disclaimer
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> IDS & PTO/SB/08 ( <u>    </u> pgs)	<input checked="" type="checkbox"/> Transmittal Letter
<input type="checkbox"/> Other <u>                    </u>	

### CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

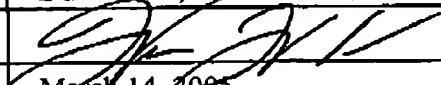
Susan McFurlane 3/14/2005  
Susan McFurlane Date

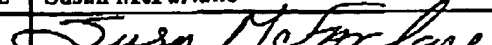
**Confidentiality Note:** The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Susan McFurlane.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application No.	08/936,338	
	Filing Date	September 24, 1997	
	First Named Inventor	Richard Joseph Oliver	
	Art Unit	2644	
	Examiner Name	Brian T. Pendleton	
Total Number of Pages in This Submission	8	Attorney Docket Number	80398P103

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	March 14, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Susan McFarlane	Date	March 14, 2005
Signature			

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 02/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

# FEE TRANSMITTAL for FY 2005

*Patent fees are subject to annual revision.*

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 0.00

## Complete if Known

Application Number 08/936,338  
Filing Date September 24, 1997  
First Named Inventor Richard Joseph Oliver  
Examiner Name Brian T. Pendleton  
Art Unit 2644  
Attorney Docket No. 80398P103

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify):  
☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☐ Credit any overpayments

## FEE CALCULATION

### 1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
13	0	50.00	\$0.00
3	0	200.00	\$0.00

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
1202	2202	25	50	Claims in excess of 20
1201	2201	100	200	Independent claims in excess of 3
1203	2203	180	180	Multiple Dependent claims, 4 not paid
1204	2204	150	150	**Reissue independent claims over original patent
1205	2205	150	150	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1) (\$) 0.00

\*or number previously paid, if greater. For Reissues, see below

### 2. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
1051	2051	65	130	Surcharge - late filing fee or oath
1052	2052	25	50	Surcharge - late provisional filing fee or cover sheet
2053	2053	130	130	Non-English specification
1251	2251	80	120	Extension for reply within first month
1252	2252	225	450	Extension for reply within second month
1253	2253	510	1,020	Extension for reply within third month
1254	2254	795	1,590	Extension for reply within fourth month
1255	2255	1,080	2,160	Extension for reply within fifth month
1401	2401	250	500	Notice of Appeal
1402	2402	250	500	Filing a brief in support of an appeal
1403	2403	600	1,000	Request for oral hearing
1451	2451	1,510	1,510	Petition to institute a public use proceeding
1400	2400	130	130	Petitions to the Commissioner
1807	1807	50	50	Processing fee under 37 CFR 1.17(a)
1808	1808	180	180	Submission of Information Disclosure Sheet
1809	1809	395	790	Filing a submission after first rejection (37 CFR § 1.129(a))
1810	2810	385	790	For each additional invention to be examined (37 CFR § 1.120(b))

Other fee (specify):

SUBTOTAL (2)

(3)

Fee Paid

## SUBMITTED BY

Name (Print/Type) William W. Schaal

Signature

Registration No.  
(Attorney/Agent)

39,018

Telephone

(714) 557-3800

Date

03/14/05

Based on PTO/58/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/ 12/15/2004).  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

<b>FEE TRANSMITTAL</b> <b>for FY 2005</b> <small>Patent fees are subject to annual revision</small>		<i>Complete if Known</i>	
		Application Number	08/936,338
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	September 24, 1997
		First Named Inventor	Richard Joseph Oliver
		Examiner Name	Brian T. Pendleton
TOTAL AMOUNT OF PAYMENT		(\$)	0.00
		Art Unit	2644
		Attorney Docket No.	80398PT03

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☐ Credit any overpayments

**FEE CALCULATION**
**1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
13	0	50.00	\$0.00
Independent Claims	0	200.00	\$0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple Dependent claim, if not paid
1204 300	2204 150	**Reissue independent claims over original patent
1205 300	2205 150	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1) (\$ ) 0.00

\*or number previously paid, if greater. For Reissues, see below

**2. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code		
1091 130	2051 65	Surcharge - late filing fee or cash	
1062 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
2053 130	2053 130	Non-English specification	
1251 120	2251 60	Extension for reply within first month	
1252 450	2252 225	Extension for reply within second month	
1253 1,020	2253 510	Extension for reply within third month	
1254 1,590	2254 795	Extension for reply within fourth month	
1255 2,160	2255 1,080	Extension for reply within fifth month	
1401 500	2401 250	Notice of Appeal	
1402 500	2402 250	Filing a brief in support of an appeal	
1403 1,000	2403 500	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(g)	
1808 180	1808 180	Submission of Information Disclosure Sheet	
1809 395	1809 395	Filing a submission after final rejection (37 CFR § 1.128(a))	
1810 780	2810 395	For each additional invention to be examined (37 CFR § 1.120(b))	

Other fee (specify): \_\_\_\_\_

SUBTOTAL (2) (\$ )

**SUBMITTED BY**

Name (Print/Type)	William W. Schaal	Registration No. (Attorney/Agent)	39,018	Telephone	(714) 557-3800
Signature				Date	03/14/05

 Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/ 12/15/2004).  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Appl. No. 08/936,338  
Amdt. Dated 03/14/2005  
Reply to Office Action of December 14, 2004

RECEIVED  
CENTRAL FAX CENTER

MAR 14 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	:	08/936,338	Confirmation No. 9642
Applicant	:	Richard Joseph Oliver	
Filed	:	09/24/1997	
TC/A.U.	:	2644	
Examiner	:	Brian T. Pendleton	
Docket No.	:	080398.P103	
Customer No.	:	8791	

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

AMENDMENT

Sir:

In response to the Office action of December 14, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.